IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

FAO No.428 of 1989
Date of decision January 10, 2011

Smt. Mahabhari

..... Appellant

Versus

Abhey Ram and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present:- Mr. Saurabh Bajaj, Advocate
for the appellant.

Mr. Inderjeet Sharma , Advocate and
Mr. Pardeep Bedi, Advocate
for the the Insurance Company.

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1. Whether reporters of local papers may be allowed to see the judgment ? No
2. To be referred to the reporters or not? No
3. Whether the judgment should be reported in the digest? Yes

K. Kannan, J (oral).

1. It appears that the matter had been attempted to be considered through the Lok Adalat but since the Insurance Company was not willing to accept the award as suggested by the Lok Adalat, the matter has come up for adjudication on merits.

2. The case was filed at the instance of the wife who died during the pendency of the case and the case was therefore prosecuted only by the mother. She was aged about 70 years. The income tax return shows that the deceased had three sources of income, as a agent of LIC, income from agricultural land and income from private practice as homeopath. The Tribunal held that it was not possible to make

the assessment in excess of what was found in the documents and took the total income to be Rs.13680/- as shown in the income tax return. The total income was Rs.15,000/- per annum and instead of Rs.4500/- as taken by the Tribunal as dependency, I will take 50% as extent of dependency of the mother on a son especially in a situation where the wife has also expired subsequently. I would adopt a multiplier of 5 and take compensation payable at Rs.37,500/-. I will add another Rs.5,000/- for loss of estate and funeral expenses and find the total amount payable at Rs.42,500/-. The Tribunal had already awarded Rs.22,500/-. There shall be additional sum of Rs.20,000/- which will also attract interest at 6% per annum from the date of petition till the date of payment. During the pendency of the appeal mother has also died and her son through another husband was added as a representative. Though he may not have been dependent as a step brother to the deceased, as a representative of the estate of the mother, he is entitled to make a claim and therefore the amount as determined shall avail to the representative of the mother who has been impleaded as a party in appeal. The appeal shall stand allowed to the above extent.

(K. KANNAN)
JUDGE

Jaunary 10, 2011
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